

## CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 244

**Citations Affected:** IC 11-10.

**Synopsis:** Offender reentry administrative account. Conference committee report for ESB 244. Requires the department of correction (DOC) to provide certain inmates who earn income in the DOC with an offender reentry administrative account (OEAA). Requires that between 10% and 20% of an eligible inmate's earnings be deposited in an OEAA. Requires the DOC to issue an inmate a check for the balance in the inmate's OEAA when the inmate is released or discharged from incarceration by the DOC. **(This conference committee report: (1) expands the scope of the OEAA to include additional situations in which offenders earn income; (2) allows an offender whose expected release date is after the date when the offender will be 80 years of age to have an OEAA in certain circumstances; (3) provides that once an OEAA has been established, the account may not be closed until the offender is no longer confined with the department; and (4) removes language regarding an offender who has filed at least three civil actions that have been dismissed as frivolous.)**

**Effective:** July 1, 2009.

Adopted

Rejected

## CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 244 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 11-10-6-3 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A confined
- 4 person may be required to keep his own living quarters clean and
- 5 orderly.
- 6 (b) A confined offender may be required to:
- 7 (1) perform general maintenance work and assist in providing
- 8 other services essential to the administration of the facility or
- 9 program; and
- 10 (2) work in a business, commercial, industrial, or agricultural
- 11 enterprise operated by the department.
- 12 (c) A confined offender may not be denied the opportunity to
- 13 participate in educational, training, or voluntary employment programs
- 14 solely because of compulsory work.
- 15 (d) **If an offender is eligible for an offender reentry**
- 16 **administrative account under IC 11-10-15, at least ten percent**
- 17 **(10%) and not more than twenty percent (20%) of the offender's**
- 18 **gross earnings earned under subsection (b)(2) shall be deposited in**
- 19 **the offender's reentry administrative account.**
- 20 SECTION 2. IC 11-10-7-5, AS AMENDED BY P.L.146-2008,
- 21 SECTION 369, IS AMENDED TO READ AS FOLLOWS
- 22 [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The earnings of an offender

employed under this chapter shall be surrendered to the department.  
This amount shall be distributed in the following order:

(1) Not less than twenty percent (20%) of the offender's gross earnings to be given to the offender or retained by the department. If retained by the department, the amount, with accrued interest if interest on the amount is earned, must be returned to the offender not later than at the time of the offender's release on parole or discharge.

(2) State and federal income taxes and Social Security deductions.

(3) The expenses of room and board, as fixed by the department and the budget agency, in facilities operated by the department, or, if the offender is housed in a facility not operated by the department, the amount paid by the department to the operator of the facility or other appropriate authority for room and board and other incidentals as established by agreement between the department and the appropriate authority.

(4) The support of the offender's dependents, when directed by the offender or ordered by the court to pay this support. If the offender's dependents are receiving welfare assistance, the appropriate ~~local~~ county office of the division of family resources or welfare department in another state shall be notified of these disbursements.

(5) Ten percent (10%) of the offender's gross earnings, to be deposited in the violent crime victims compensation fund established by IC 5-2-6.1-40.

**(6) If an offender is eligible for an offender reentry administrative account under IC 11-10-15, at least ten percent (10%) and not more than twenty percent (20%) of the offender's gross earnings, to be deposited in the offender's reentry administrative account.**

(b) Any remaining amount shall be given to the offender or retained by the department in accord with subsection (a)(1).

(c) The department may, when special circumstances warrant or for just cause, waive the collection of room and board charges by or on behalf of a facility operated by the department or, if the offender is housed in a facility not operated by the department, authorize payment of room and board charges from other available funds.

SECTION 3. IC 11-10-8-6, AS AMENDED BY P.L.146-2008, SECTION 370, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The earnings of an offender employed in a work release program under this chapter, less payroll deductions required by law and court ordered deductions for satisfaction of a judgment against the offender, shall be surrendered to the department or its designated representative. The remaining earnings shall be distributed in the following order:

(1) State and federal income taxes and Social Security deductions not otherwise withheld.

(2) The cost of membership in an employee organization.

(3) Ten percent (10%) of the offender's gross earnings, to be deposited in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(4) Not less than fifteen percent (15%) of the offender's gross earnings, if that amount of the gross is available after the above deductions, to be given to the offender or retained by the department. If retained by the department, the amount, with accrued interest, must be returned to the offender not later than at the time of the offender's release on parole or discharge.

(5) The expense of room and board, as fixed by the department and the budget agency, in facilities operated by the department, or, if the offender is housed in a facility not operated by the department, the amount paid by the department to the operator of the facility or other appropriate authority for room and board and other incidentals as established by agreement between the department and the appropriate authority.

(6) Transportation cost to and from work, and other work related incidental expenses.

(7) Court ordered costs or fines imposed as a result of conviction of an offense under Indiana law, unless the costs or fines are being paid through other means.

**(8) If an offender is eligible for an offender reentry administrative account under IC 11-10-15, at least ten percent (10%) and not more than twenty percent (20%) of the offender's gross earnings, to be deposited in the offender's reentry administrative account.**

(b) After the amounts prescribed in subsection (a) are deducted, the department may, out of the remaining amount:

(1) when directed by the offender or ordered by the court, pay for the support of the offender's dependents (if the offender's dependents are receiving welfare assistance, the appropriate local office of the division of family resources or welfare department in another state shall be notified of these disbursements); and

(2) with the consent of the offender, pay to the offender's victims or others any unpaid obligations of the offender.

(c) Any remaining amount shall be given to the offender or retained by the department in accord with subsection (a)(4).

(d) The department may, when special circumstances warrant or for just cause, waive the collection of room and board charges by or on behalf of a facility operated by the department or, if the offender is housed in a facility not operated by the department, authorize payment of room and board charges from other available funds.

SECTION 4. IC 11-10-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

#### **Chapter 15. Offender Reentry Administrative Account**

**Sec. 1. (a) An offender is not eligible for an offender reentry administrative account under this chapter if the offender's expected release date is after the date when the offender would be eighty (80) years of age, except if:**

**(1) the offender's appeals have not been exhausted;**

**(2) the department determines the offender may have an offender reentry administrative account; and**

**(3) the offender agrees to have an offender reentry**

1           **administrative account.**

2           **An offender reentry administrative account established for an**  
3           **offender described in this subsection is subject to all other**  
4           **department rules concerning offender reentry administrative**  
5           **accounts.**

6           **(b) Except as provided in subsection (a), the department shall**  
7           **provide each offender who has earnings under IC 11-10-6,**  
8           **IC 11-10-7, or IC 11-10-8 with an offender reentry administrative**  
9           **account.**

10          **Sec. 2. The part of an offender's earnings distributed under**  
11          **IC 11-10-6-3(d), IC 11-10-7-5(a)(6), or IC 11-10-8-6(a)(8) shall be**  
12          **deposited in the offender reentry administrative account of the**  
13          **offender.**

14          **Sec. 3. The funds in the offender reentry administrative account**  
15          **of an offender may not be withdrawn before the offender's release**  
16          **or discharge from incarceration by the department.**

17          **Sec. 4. When an offender is released or discharged from**  
18          **incarceration by the department, the department shall issue the**  
19          **offender a check for the balance in the offender's offender reentry**  
20          **administrative account.**

21          **Sec. 5. Once an offender reentry administrative account has**  
22          **been established under this chapter, the account may not be closed**  
23          **until the offender is no longer confined with the department.**

24          **Sec. 6. The department owes a fiduciary duty to an offender who**  
25          **has an offender reentry administrative account for any funds**  
26          **deposited into the offender's reentry administrative account.**

(Reference is to ESB 244 as reprinted March 24, 2009.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 244**

**S**igned by:

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Senator Young R Michael  
Chairperson

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Representative Pierce

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Senator Arnold

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Representative Dermody

**Senate Conferees**

**House Conferees**